

Berlin to North Conway, NH, as the community's first local aural transmission service, and the modification of Station WPKQ's license accordingly. Channel 279C can be allotted to North Conway, at Station WPKQ's presently licensed transmitter site, at coordinates 44-16-14 North Latitude and 71-18-15 West Longitude, which will maintain the presently grandfathered short-spacings to Station WKNE-FM, Channel 279B, Keene, NH, as well as to both the allotment reference coordinates for Channel 279D and proposed new station on Channel 279A at Montreal, Quebec, Canada, and the station on Channel 279A at Kahnawake, Quebec, Canada. Canadian concurrence in this allotment is required since North Conway is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before December 1, 1997, and reply comments on or before December 16, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John Griffith Johnson, Jr., Paul, Hastings, Janofsky & Walker LLP, 1299 Pennsylvania Avenue, NW, Tenth Floor, Washington, DC. 20004-2400 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No.97-216, adopted October 1, 1997, and released October 10, 1997. The full text of this Commission decision is available for inspection and copying

during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Chapter X

[STB Ex Parte No. 564]

Service Obligations Over Excepted Track

AGENCY: Surface Transportation Board.

ACTION: Withdrawal of proposed rule and notice of availability of policy statement.

SUMMARY: In a notice of proposed rulemaking published at 62 FR 24896 (May 7, 1997), the Board sought comments on the circumstances under which it should require a railroad to operate over excepted track that does not meet Federal Railroad Administration (FRA) Class 1 track safety standards, and that the operating railroad deems to be unsafe. After reviewing the comments, the Board has decided not to issue rules, but instead to issue a policy statement declaring that the Board will continue the current practice of evaluating railroad service issues on a case-by-case basis. In evaluating carrier claims that track is embargoed for safety reasons, the Board will consult with the FRA.

FOR FURTHER INFORMATION CONTACT:

Joseph H. Dettmar, (202) 565-1600. (TDD for the hearing impaired: (202) 565-1695.)

SUPPLEMENTARY INFORMATION: The Board's policy statement may be reviewed at the Board's offices and is available to all persons for a charge by phoning D.C. NEWS & DATA, INC., at (202) 289-4357.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: October 8, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 97-27971 Filed 10-21-97; 8:45 am]

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